

Chapter 1

Purpose and Need

The Westland Irrigation District (Westland) has requested that the Bureau of Reclamation (Reclamation) adjust its federally recognized irrigation district boundaries. This adjustment would include lands that Westland has irrigated in past years under a series of temporary water service contracts (TWSC) with Reclamation. This chapter outlines the purpose and need for action, the description of the general area, history and background, the authorization, relationship to other projects in the area, and scoping process and issues. The lands included in Westland's petition for boundary adjustment are all currently farmed and irrigated. The requested boundary adjustment would not increase the amount of irrigated land in the basin, nor the water quantity diverted by Westland.

Purpose of and Need for Action

Reclamation proposes to respond to Westland's 1993 request to adjust its federally recognized boundaries to include up to 10,338 acres of currently irrigated land. The Secretary of the Interior will decide whether to adjust the boundaries to include any or all of these previously irrigated lands. An affirmative decision would allow lands to be added to the Westland boundaries and allow Westland to continue irrigating those lands. This action would eliminate the need for future TWSCs.

General Description of the Area

Westland is located in north-central Oregon, predominantly in Umatilla County. Umatilla County has a semi-arid climate with dry, warm summers and moderately cold winters. This climate supports shrub-steppe plant communities in the undisturbed areas. The topography is gently rolling hills and plateaus. The soil is sandy loam, is generally free from alkali, and has little hardpan. It is well suited to growing alfalfa, asparagus, beans, corn, grass hay, melons, mint, onions, peas, potatoes, winter wheat, and produces excellent pasture. All the lands included in Westland's petition for boundary adjustment, which would be eligible to receive McKay Reservoir storage under the proposed boundary adjustment, are currently irrigated and farmed and have a State water right.

History and Background

Treaty of 1855

In 1855, the United States entered into a treaty with the Cayuse, Umatilla, and Walla Walla Tribes (now the Confederated Tribes of the Umatilla Indian Reservation—CTUIR). In this treaty, the CTUIR ceded title to the United States of 6.4 million acres of land in what is now the States of Oregon and Washington. It is the CTUIR's position that they explicitly reserved certain rights or privileges on the open and unclaimed ceded lands, specifically their fishing, hunting, and gathering rights and privileges, and implicitly reserved sufficient water instream to maintain the treaty-protected fishery. Their position is that these rights have a priority date of time immemorial for the instream flow water right to maintain the fishery.

Umatilla Project—1905 Authorization

The Umatilla Project, authorized in 1905 by the Secretary of the Interior, provides multipurpose benefits to the people of northeastern Oregon by providing for the storage and diversion of water from the Umatilla River for irrigation. The project has provided for agricultural development on 31,000 acres of land; important fish and wildlife habitat, including two national wildlife refuges; recreational opportunities; and provides flood control benefits. Four irrigation districts—Stanfield, Westland, Hermiston, and West Extension—are served by this project.

The four districts entered into separate water service and repayment contracts with the United States to repay a portion of the construction costs for the Federal facilities on the Umatilla Project. The most recent amendatory contracts for the Westland Irrigation District were approved in 1949 and the West Extension Irrigation District in 1954. Westland is a private irrigation district and has fully repaid its obligation to the U.S. for its share of costs associated with the Umatilla Project. The Stanfield and Hermiston Irrigation Districts had their contracts amended in 2003, adjusting their irrigation district boundaries. These contracts specify that only lands within the district boundaries can be irrigated with Federal water through Federal facilities. Incorporated into those contracts is language stating that any proposals to include additional lands or exclude lands already identified in the respective contracts must be approved by the Secretary of the Interior or his/her designee.

Umatilla Basin Project Act—1988 Authorization

In the 1980s, the State of Oregon, the U.S., the CTUIR, Umatilla Project irrigation districts, including Westland, and local officials initiated a collaborative effort to reintroduce extirpated salmon into the Umatilla River. This successful effort culminated with the passage of the historic 1988 Umatilla Basin Project Act (P.L. 100-557).

The Act authorized construction of the Umatilla Basin Project (Project) to restore anadromous fishery resources in the Umatilla basin and continue water service to the districts. The Act authorized construction of new fish ladders and protective screens at major irrigation diversion sites, and provided for construction of water exchange facilities (Phases I and II) to deliver irrigation replacement water from the Columbia River to three of the four irrigation districts that make up the Umatilla Basin Project in exchange for foregone diversions of Umatilla River waters that could be diverted. The only Project irrigation district not involved in the exchange is Westland.

Under the exchanges, Columbia River waters are pumped and delivered for use by three irrigation districts in exchange for allowing natural Umatilla River flows and McKay Reservoir releases (which they are entitled to divert) to remain instream to benefit anadromous fisheries. Up to an estimated annual average of 61,300 acre-feet of irrigation exchange water could be pumped from the Columbia River. An equivalent amount of exchange water could be used to supplement live flows or McKay reservoir releases to benefit the Umatilla River's fishery. The Project is helping to satisfy objectives of the CTUIR to restore salmon and steelhead runs in the Umatilla River to desirable levels.

Operation and Location of Facilities

The Umatilla Project consists of McKay Dam and Reservoir near Pendleton, Oregon (which provides storage capacity to the privately constructed Westland and Stanfield Irrigation Districts), and Cold Springs Reservoir, an offstream storage facility near Hermiston, Oregon. McKay Dam is on McKay Creek, about 6 miles south of Pendleton, Oregon, and about 6 miles above the confluence of McKay Creek with the Umatilla River. Additional Project facilities include the diversion and delivery facilities for the Hermiston and West Extension Irrigation Districts. Other Project facilities include canals, pipelines, and pumping plants built as part of the Umatilla Basin Project to facilitate the water exchanges.

Westland diverts water from the Umatilla River into the Westland Main Canal at the Westland Diversion Dam, located 1 mile south of Echo and 1 mile downstream from Hermiston Irrigation District's Feed Canal Diversion Dam. The Westland Main Canal and Diversion Dam are privately owned and are not Project facilities. Westland also diverts water released from McKay Reservoir at its diversion dam. This federally supplied water is delivered to lands within the current district boundaries, as well as to lands covered by TWSCs discussed below. Currently, Westland diverts about 55,000 acre-feet for delivery to district patrons. Westland also delivers an additional water supply to private ditch companies and individual water right holders.

Lands Authorized for Water Delivery from the Umatilla Project and the Temporary Water Service Contracts

During development of the Umatilla Basin Project Act, it became apparent that some of the Project districts were delivering water outside of their federally recognized district boundaries without proper authorization. In late 1991, Reclamation notified Westland that they could not provide any Federal Project water, through federally constructed facilities, to any lands outside the official federally established district boundaries after the 1992 irrigation season. In 1993, Westland and the CTUIR entered into a memorandum of agreement (MOA) which allowed for the continued irrigation of these lands in exchange for an interim, but higher, instream flow release as mitigation for potential return flow impacts. (On April 29, 2003, a memorandum of agreement was signed between Westland and the CTUIR, which replaced the 1993 MOA.)

Starting in 1995, Reclamation has required Westland to provide data on the amount of project water delivered to out-of-boundary lands and authorized that delivery through TWSCs. In the development of the TWSCs, Westland, the Natural Resources Department of the CTUIR, and Reclamation cooperated to provide temporary water for irrigation of the specified out-of-boundary land while facilitating water delivery for fish flows. All of the lands irrigated by Westland, including the out-of-boundary lands, are classified as irrigable by Reclamation and have a certified water right under Oregon law.

Except for rights temporarily provided by the State of Oregon, the proposed action will not address the issue of past State water rights or create any new rights or obligations.

Authorization

A standard paragraph of Westland's 1949 Repayment Contract (Contract No. Ilr-1550, dated November 18, 1949) with Reclamation provided that the boundaries of the irrigation district may be modified upon approval of the Secretary of the Interior.

Relationship to Other Projects and Activities

A Planning Report-Final Environmental Statement for the Umatilla Basin Project Act was prepared in 1988. It includes the analysis for a large pumping complex on the Columbia River that would supply irrigators within the existing Umatilla Project with exchange water so that flows now diverted from the Umatilla River for irrigation could remain in the river to enhance flows for salmon and steelhead migration, spawning, and rearing.

Various Categorical Exclusion Checklists were prepared for TWSCs between 1995 and 2003. These TWSCs allowed Westland to irrigate those lands outside of the Federal boundaries until National Environmental Policy Act (NEPA) compliance was complete on the boundary adjustment.

Reclamation completed environmental assessments and Findings of No Significant Impacts for the Hermiston and Stanfield Irrigation Districts in April and May 2002, respectively, to allow their district boundaries to be adjusted.

On April 29, 2003, a memorandum of agreement was signed between Westland and the CTUIR which replaced the 1993 MOA. Under the MOA, the CTUIR agreed to support completion of Federal review of Westland's boundary adjustment request.

Scoping Process and Issues

Public scoping meetings on adjusting district boundaries were held in November 1993 and January 1994, which addressed all the districts within the Project. About 57 comments were received at that time. Reclamation staff also recently met with the staffs of the CTUIR and Westland in various individual meetings to discuss the proposal.

These comments addressed the Umatilla Project boundary adjustment in general, not specifically the proposed adjustment for Westland. The comments received were divided into various categories—water resource issues, general issues and concerns, fisheries issues, land use issues, suggestions for alternative analysis and mitigating measures, and other related comments. In the decade since the public scoping process was initiated, many of the concerns have been resolved by other actions of the Umatilla Basin Project. Remaining relevant issues were considered in the analysis sections of this environmental assessment (EA).

Chapter 4 addresses other public involvement information and coordination and consultation among Reclamation, CTUIR, and Westland.

